

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

Case No. 10-11693

Honorable David M. Lawson

v.

ODELL BLACKMON,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION AND ORDERING
DEFENDANT TO APPEAR AND SHOW CAUSE**

On July 29, 2011, the plaintiff filed a motion for entry of an order to show cause why defendant Odell Blackmon should not be held in contempt for failing to appear for his creditor's examination. On June 4, 2010, the Clerk of the Court entered a default judgment against the defendant in the amount of \$224,628.88. After exhausting other forms of debt collection, the plaintiff issued a subpoena to the defendant to conduct a creditor's examination on March 3, 2011 and personally served the defendant with this subpoena. The defendant failed to appear for the examination and has failed to provide any reason for not attending.

The Court may enforce compliance with and punish violations of Federal Rule of Civil Procedure 45 through its contempt power. Fed. R. Civ. P. 37(b)(2)(A)(vii); *see also United States v. Conces*, 507 F.3d 1028, 1041-42 (6th Cir. 2007). The Court will grant the plaintiff's motion and enter an order requiring the defendant to show cause for his failure to appear for his creditor's examination pursuant to a duly issued and served subpoena.

Accordingly, it is **ORDERED** that the plaintiff's motion for order to show cause [dkt. #35] is **GRANTED**.

It is further **ORDERED** that defendant Odell Blackmon shall appear with counsel in the Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Courtroom 860, Detroit, Michigan, for a hearing **on August 24, 2011 at 2:00 p.m.** at which time the defendant must show cause why he should not be held in contempt of court for his failure to appear for a creditor's examination pursuant to a duly issued and served subpoena.

It is further **ORDERED** that the plaintiff must personally serve defendant Odell Blackmon with a copy of this order **on or before Monday, August 15, 2011.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 4, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 4, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL